

REGULAR MEETING of the Burrillville Town Council held Wednesday, October 24, 2007 at 7:00 P.M. in the Town Council Chambers, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe

MEMBERS ABSENT: None

1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.

2. VOTED to accept the minutes of the regular meeting held October 10, 2007 and dispense with the reading of said minutes.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilor Kevin M. Blais voted in opposition.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

During the discussion of Good and Welfare, there was conversation among Councilors related to a complaint filed with the police department and a related newspaper story. There was discussion and disagreement on the nature of the allegations and the propriety of an elected official initiating the story. The Councilors discussed their responsibility to vote on all items before them, the relevance that a hearing loss has on the affected individual, that individual's responsibility to make sure he/she understands what is said and the Town's responsibility to provide accommodations for the hearing impaired.

Councilor Margaret L. Dudley reminded those present of the various fundraising projects being conducted by the Library Capital Campaign in support of the library project. Councilor Dudley also announced:

- Pumpkins in the Park at Veterans Park, Pascoag, on October 25, 2007 from 4:00 – 8:00 p.m.**
- The Callahan School Star Party at the field across from the school, scheduled for Friday, November 16, 2007 at 7:00 p.m.**

Council President Nancy F. Binns, Councilor Norman C. Mainville and Town Manager Michael C. Wood were congratulated on their birthdays.

Council President Nancy F. Binns acknowledge the landscaping

installation along East Avenue.

Councilor Kevin M. Blais discussed the tragic fires in California, encouraging residents to assist in the situation and to attend to emergency preparedness in their homes.

5. Petitions:

07-313 MOTION to grant the petition of the National Grid Electric Company for pole locations, to locate and maintain poles, wires and fixtures, including the necessary sustaining and protecting fixtures along and across Whipple Avenue, in accordance with plan marked 3250412, with the stipulations that the poles must be located within the roadway right of way and a minimum of one and one half feet (1 ½') off of the edge of the existing pavement surface to avoid conflict with snow removal operations; and that, at the time of the installation of the new pole (#36 1/2), the adjacent pole (#36) be pulled back off the edge of the roadway if possible.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville.

AMENDMENT TO THE MOTION: (to add) and that, if in the future the pole needs to be moved it will be moved at National Grid's expense and not the Town's expense.

AMENDMENT by Councilor Margaret L. Dudley. Seconded by Councilor Cynthia L. Roe.

VOTE on the motion, as amended, was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

6. Special Business: None

7. Unfinished Business: None

8. New Business:

07-314 VOTED to receive and file the correspondence from Thomas J. Kravitz, Town Planner/Economic Development Coordinator, regarding CDBG Notification Requirements.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

07-315 First reading of proposed amendments to the ordinances of the Town of Burrillville, 2004 revision, Chapter 16, entitled Offenses

and Miscellaneous Provisions and Chapter 16.5, entitled Parks and Recreation; to consider scheduling a public hearing.

The proposed ordinance was read by title.

VOTED to schedule a public hearing for November 14, 2007 at 7:00 P.M.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

07-316 Reading of proposed amendments to the ordinances of the Town of Burrillville, 2004 revision, Chapter 4, entitled Animals, proposed §4-44. Dog waste; to consider scheduling a public hearing.

The proposed ordinance was read by title.

VOTED to schedule a public hearing for November 14, 2007 at 7:00 P.M.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors

Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

07-317 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding a proposed Dam Management District ordinance.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

Note: Councilors Wallace F. Lees and Cynthia L. Roe recused from discussion and voting on item #07-317.

Discussion: Michael C. Wood, Town Manager, provided background on issues that have arisen related to the Pascoag Dam and Pascoag Reservoir/Echo Lake. Mr. Wood explained the purpose of a dam management district. Mr. Wood suggested that the Town Councils of the towns of Burrillville and Glocester should indicate whether they support the proposal. If so, then the Ordinance Subcommittee and Administration would proceed with the drafting of a final proposal.

Councilor Kevin M. Blais raised concerns that the Town would gain liability through establishment of a dam management district.

Timothy F. Kane, Town Solicitor, explained the purpose of a dam management district, saying that the Town would not take title to the dam and that any liability would remain with the owner.

Councilor Kevin M. Blais asked about the extent of fees that would be established. Councilor Margaret L. Dudley explained the authority of a dam management district to establish a budget and fees. Mr. Wood confirmed that the Town Council would have no authority in establishing fees, should an ordinance be adopted establishing a dam management district.

Councilor Blais acknowledged the rationale of residents wanting to control the dam and lake, but voiced concerns that the responsibility might fall to the town should a dam management district fail in their responsibilities. Councilor Margaret L. Dudley spoke of the abutters' interest in maintaining the dam.

Cynthia L. Roe of Lakeview Road addressed the Town Council from the audience as a resident. Ms. Roe spoke of the Council's responsibility to the residents who live on the lake. She spoke in support of establishing a dam management district, which she characterized as a solution to past problems with no impact on the Town. Ms. Roe indicated her belief that lake abutters would be willing to assume the responsibility.

VOTED to approve the following resolution:

Burrillville Town Council

Resolution

WHEREAS, RIGL Title 45 Chapter 62 authorizes and empowers Town Councils to establish by ordinance one or more dam management districts and/or multi-municipal dam management districts; and

WHEREAS, the Pascoag Dam, consisting of the Main Dam and the West Dike, (the Dam) provides important values to the communities of Burrillville and Glocester, including the protection of public safety and private property; the protection of drinking water supplies and recreational opportunities; the preservation and enhancement of scenic beauty; and the conservation of fish and wildlife resources; and

WHEREAS, in order to protect the values that the Dam provides, the Dam must be properly operated, maintained, repaired and/or removed; and

WHEREAS, the costs of properly operating, maintaining, repairing and/or removing dams are often significant and recurring in nature; and

WHEREAS, the residents of the Town of Burrillville, and particularly those who reside in the proposed District, would benefit from the establishment of a Pascoag Reservoir/Echo Lake Dam Management District to fulfill these purposes.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, hereby acknowledge the advantages of

establishing a multi-jurisdictional dam management district, support the concept of the proposal, and respectfully request that the Ordinance Subcommittee and the Administration proceed with further research to finalize a proposed ordinance to establish a multi-jurisdictional dam management district for the Pascoag Dam, consisting of the Main Dam and the West Dike.

Adopted this 24th day of October 2007

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The motion carried, five in favor, two recusals. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe recused.

There was discussion of the importance knowing the status of the Gloucester Town Council's support.

VOTED to send a copy of the resolution to the Gloucester Town Council and to ask them to adopt a comparable resolution.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The motion carried, five in favor, two recusals. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M.

Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe recused.

07-318 VOTED to refer to the Screening Subcommittee the application from Michael Stearns for reappointment to the Board of Assessment Review.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

07-319 Correspondence from Norman C. Mainville, Chair, Screening Subcommittee, regarding the subcommittee's recommendations.

VOTED to reappoint Michael Molloy as an alternate to the Budget Board for a one-year term to expire June 30, 2008.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

VOTED to appoint Richard Rouleau, Kathan Mospaw, and Bertha L'Esperance as first alternate, second alternate and third alternate, respectively, to the Senior Center Feasibility Study Committee.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

Note: Council President Nancy F. Binns recused on discussion and voting on the reappointment of Kelly Hunt to the Housing Authority. The gavel was passed to Council Vice President Wallace F. Lees, who announced the item.

VOTED to appoint Kelly Hunt to the Housing Authority for a five-year term to expire October 31, 2012.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Cynthia L. Roe. The motion carried, six in favor, one refusal. Voting in favor of the motion were Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Council President Nancy F. Binns refused.

VOTED to reappoint Alan Gerew, Alice Lavigne and Juliette Lopez to the Recreation Commission each for a three-year term to expire

October 31, 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

07-320 VOTED to do a proclamation for Justin T. Bondesen commending him on attaining the rank of Eagle Scout.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

9. Town Clerk/Communication:

07-321 VOTED to receive and file the correspondence from Michael C. Wood, Town Manager, regarding the consent order associated with the Gaulin litigation.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors

Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

07-322 VOTED to receive and file the correspondence from Spectra Energy regarding the Algonquin Gas Transmission, LLC, East to West HubLine Expansion Project;

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

07-323 VOTED to receive and file the correspondence from Kathleen M. Silvia, City Clerk, Newport, regarding the Newport City Council's request for support of a resolution opposing the expansion of gambling hours of operation and the introduction of new forms of gambling at the Newport Grand facility.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Kevin M. Blais. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe. Councilor Margaret L. Dudley voted in opposition.

10. VOTED to receive reports 1 – 25.

- 1. Town Treasurer: No report**
- 2. Burrillville Sewer Commission: Report of September 2007 and Meetings of August 28 & September 11, 2007**
- 3. Tax Collector: Report of September 2007**
- 4. Department of Public Works: Report of September 2007**
- 5. Chief of Police: Report of September 2007**
- 6. Office of Building Official: Report of September 2007**
- 7. Animal Control Officer: Report of September 2007**
- 8. Burrillville Housing Authority: No report**
- 9. Planning Board/Town Planner: Meetings of September 9 & October 1, 2007**
- 10. Zoning Board of Review: No report**
- 11. Parks and Recreation Department: Report of October 2007**
- 12. Information Systems Department: Report of October 2007**
- 13. Burrillville Conservation Commission: Meetings of July 10 & September 11, 2007**
- 14. Ordinance Subcommittee: Meetings of August 10, 2007**
- 15. Redevelopment Agency: Report of August & September 2007 and Meetings of July 24 & August 28, 2007**
- 16. B-PAC: Meetings of September 27, 2007**
- 17. Personnel Board: Meetings of August 14 & September 18, 2007**
- 18. Screening Subcommittee: Meeting September 17, 2007**
- 19. Budget Board: No report**
- 20. Library Building Committee: Meetings of September 12, 2007**

- 21. Library Fundraising Committee: Meeting of September 19, 2007**
- 22. Burrillville School Committee: No report**
- 23. Callahan School Building Committee: No report**
- 24. Sr. Ctr. Feasibility Study Committee: Meetings of September 19 & October 3, 2007**
- 25. Emergency Management Agency: Reports of August & September 2007**

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

12. VOTED to adjourn at 7:50 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr., Norman C. Mainville and Cynthia L. Roe.

The meeting was taped. The tape is on file with the record of the meeting.

Louise R. Phaneuf, Town Clerk